

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

Federal Trade Commission	)	
	)	
	)	Civil No.: RDB 08-CV-3233
Plaintiff,	)	
	)	
v.	)	
	)	
Innovative Marketing, Inc., <i>et al.</i>	)	
	)	
Defendants,	)	
	)	
AND	)	
	)	
Maurice D'Souza	)	
	)	
Relief Defendant.	)	

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**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT MARC D'SOUZA**

Defendant Marc D'Souza, by his undersigned attorneys, hereby answers the numbered paragraphs of the Complaint (the "Complaint") filed by Plaintiff Federal Trade Commission ("FTC" or "Plaintiff") as follows:

1. Paragraph 1 states a legal conclusions to which no response is required. To the extent a response is required, Defendant lacks knowledge and information sufficient to form a belief as the truth or falsity of the allegations contained in Paragraph 1, and therefore denies the allegations.
2. Paragraph 2 states a legal conclusion to which no response is required. To the extent a response is required, Defendant lacks knowledge and information sufficient to form a belief as the truth or falsity of the allegations contained in Paragraph 2, and therefore denies the allegations.

3. Paragraph 3 states a legal conclusion to which no response is required. To the extent a response is required, Defendant lacks knowledge and information sufficient to form a belief as the truth or falsity of the allegations contained in Paragraph 3, and therefore denies the allegations.
4. Mr. D'Souza denies that the FTC has authority to seek restitution, consumer redress or disgorgement with respect to conduct that took place outside the United States and that does not affect domestic commerce. Otherwise, the Defendant admits the allegations in Paragraph 4.
5. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Thus, upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 5 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
6. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 6 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

7. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 7 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
8. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 8 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
9. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 9 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
10. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr.

D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 10 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

11. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 11 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
12. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 12 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
13. Mr. D'Souza admits that Maurice D'Souza is his father. With regards to the other allegations, the subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the

United States. Accordingly, Mr. D'Souza respectfully declines to answer the other allegations in Paragraph 13. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

14. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 14 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
15. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 15 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
16. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 16 on the ground that his answer might tend to incriminate him.

Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

17. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 17 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
18. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 18 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
19. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 19 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

20. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 20 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
21. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 21 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
22. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 22 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
23. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr.

D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 23 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

24. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 24 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

25. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 25 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

26. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations



contained in Paragraph 26 on the ground that his answer might tend to incriminate him.

Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

27. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 27 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
28. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 28 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
29. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 29 on the ground that his answer might tend to incriminate him.

Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

30. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 30 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
31. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 31 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
32. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 32 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

33. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 33 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
34. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 34 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
35. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 35 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
36. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr.

D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 36 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

37. Mr. D'Souza lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 37 as drafted, and therefore denies the allegations.
38. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 38 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
39. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 39 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

40. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 40 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
41. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 41 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
42. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 42 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

43. Mr. D'Souza denies the allegations as they pertain to himself. Otherwise, Mr. D'Souza lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 43 as drafted, and therefore denies the allegations.
44. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 44 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
45. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 45 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
46. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 46 on the ground that his answer might tend to incriminate him.

Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

47. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 47 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
48. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 48 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
49. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 49 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

50. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 50 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
51. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 51 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
52. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 52 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
53. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr.



D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 53 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

54. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 54 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

55. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 55 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

56. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations

contained in Paragraph 56 on the ground that his answer might tend to incriminate him.

Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

57. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 57 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

58. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 58 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

59. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 59 on the ground that his answer might tend to incriminate him.

Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

60. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 60 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

61. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 61 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

62. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 62 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

63. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 63 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
64. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 64 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
65. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 65 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
66. Paragraph 66 states a legal conclusions to which no response is required. To the extent a response is required, the subject matter of this paragraph is part of an ongoing

investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 66 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

67. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 67 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
68. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 68 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).
69. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the

United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 69 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

70. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 70 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

71. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 71 on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

72. The subject matter of this paragraph is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in Paragraph 72 on the ground that his answer might tend to incriminate him.

Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

73. Paragraph 73 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Mr. D'Souza denies that the FTC Act empowers this Court to order consumer redress, disgorgement and restitution with respect to conduct that took place outside the United States and that does not affect domestic commerce but otherwise admits Paragraph 73.

To the extent that the "Prayer for Relief" section of Plaintiff's Complaint contains factual allegations to which a response is required, the subject matter of the Prayer for Relief is part of an ongoing investigation by the U.S. Attorney for the Northern District of Illinois. Upon the advice of his counsel, Mr. D'Souza is exercising his right under the Fifth Amendment to the Constitution of the United States. Accordingly, Mr. D'Souza respectfully declines to answer the allegations contained in the Prayer for Relief on the ground that his answer might tend to incriminate him. Mr. D'Souza further respectfully requests that his exercise of his Constitutional right be treated as a denial pursuant to Fed. R. Civ. P. 8(b).

#### **AFFIRMATIVE DEFENSES**

Mr. D'Souza respectfully asserts the following affirmative defenses:

1. The Complaint fails to state a claim upon which relief can be granted against Mr. D'Souza.
2. This Court lacks subject matter jurisdiction and statutory authority to order consumer redress for non-United States citizens who are injured by conduct that took place outside the United States.

3. Mr. D'Souza reserves the right to raise such additional affirmative defenses as may be established during discovery and by the evidence in this case.

Dated: October 6, 2009

Respectfully submitted,

/s/

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Michael J. Madigan (*pro hac vice*)  
Garret G. Rasmussen (*pro hac vice*)  
Jonathan A. Drenfeld (Bar No. 28859)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
1152 15th Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 339-8400

*Attorneys for Defendant Marc D'Souza*



**CERTIFICATE OF SERVICE**

I hereby certify that on October 6, 2009, a copy of the foregoing Answer And Affirmative Defenses Of Defendant Marc D'Souza was served upon all counsel of record through the Court's ECF system.

\_\_\_\_\_/s/\_\_\_\_\_  
Jonathan A. Direnfeld